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October

Via ECF

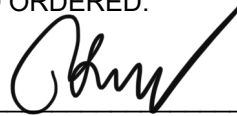
Honorable Andrew E. Krause, U.S.M.J.
Southern District of New York
The Hon. Charles L. Bricant Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

This matter has not been referred to Magistrate Judge Krause. Defendant's application for a conference is denied without prejudice to renewal for failure to comply with this Court's Individual Practice Rule 4.D.

The parties, should they be so advised, are directed to review and comply with Individual Practice Rule 4.D., which requires the filing of a joint letter outlining the discovery disputes sought to be addressed.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 21.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
October 6, 2021

Re: John Kalogiannis, individually and as principal of Deval Inc., d/b/a The Thruway Deli v. The Hanover Insurance Group, Inc.
Civil Action No.: 7:20-cv-11089-PMH

Dear Judge Krause:

As you know, this firm represents Defendant Hanover Insurance Company (improperly pled as The Hanover Insurance Group, Inc., and hereinafter referred to as "Hanover") in the above-referenced matter. We write in accordance with Your Honor's Individual Practices and Local Rule 37.2 to respectfully request a conference with the Court regarding ongoing discovery disputes between the parties.

By Joint Letter dated September 16, 2021, the parties sought and received a second extension of the existing discovery deadlines. As discussed in the parties' letter, the parties are near completion of written discovery and hope to begin the process of scheduling depositions in the near term. However, there are several outstanding discovery disputes, which despite our best efforts we have been unable to resolve, that prevent the parties from moving forward with the remaining factual discovery.

Hanover has made numerous unsuccessful attempts to correspond with Plaintiff regarding the deficiencies in Plaintiff's written responses and document production in an effort to avoid the Court's intervention, the most substantive being discovery deficiency letters dated April 19, June 23 and July 8, 2021, which are attached hereto. *See* Ex. A. Hanover reiterated these disputes and the need to resolve them through a number of follow up emails and telephone calls. Despite these efforts, to date, Plaintiff has failed to provide a substantive response.

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October 4, 2021

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While we had hoped the parties could resolve these issues without the Court's intervention, it has become clear that it is not possible. As such, we respectfully request a conference with the Court on these issues in accordance with Your Honor's Individual Practices and Local Rule 37.2.

We thank Your Honor for your attention to this matter and consideration of the Hanover's request.

Respectfully submitted,

/s/ Edward T. Hagan

EDWARD T. HAGAN

ETH:jls

Enclosures

cc: Joseph E. Ruyack, III, Esq. (via ECF)